

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE CENTER FOR INVESTIGATIVE
REPORTING, INC.,

Plaintiff,

v.

OPENAI, INC., OPENAI GP, LLC, OPENAI,
LLC, OPENAI OPCO LLC, OPENAI GLOBAL
LLC, OAI CORPORATION, LLC, OPENAI
HOLDINGS, LLC, and MICROSOFT
CORPORATION,

Defendants.

Case No. 1:24-cv-04872-SHS-OTW

**DECLARATION OF ANDREW M. GASS IN
SUPPORT OF OPENAI DEFENDANTS'
MOTION TO DISMISS AMENDED
COMPLAINT**

I, Andrew M. Gass, declare as follows, pursuant to 28 U.S.C. § 1746:

1. I am a partner at Latham & Watkins LLP, located at 505 Montgomery Street Suite 2000, San Francisco, California 94111, which represents Defendants OpenAI, Inc., OpenAI GP, L.L.C., OpenAI, L.L.C., OpenAI OpCo, L.L.C., OpenAI Global, L.L.C., OAI Corporation, L.L.C., and OpenAI Holdings, L.L.C. (collectively, the “OpenAI Defendants”) in the above-captioned litigation. I submit this declaration in support of the OpenAI Defendants’ Motion to Dismiss Amended Complaint.

2. Attached hereto as Exhibit A is a true and correct copy of the Center for Investigative Reporting (“CIR”)’s Amended Complaint.

3. Attached hereto as Exhibit B is a true and correct copy of the transcript of oral argument on the motion to dismiss held on June 3, 2024 in *The Intercept Media v. OpenAI*, No. 24-cv-01515.

4. Attached hereto as Exhibit C is a compilation of the alleged ChatGPT “abridgments” attached to CIR’s Amended Complaint, along with the original articles CIR asked ChatGPT to summarize, as they appear at the links cited in Exhibit 11 to the Amended Complaint. Certain text has been color-coded to facilitate the Court’s comparison between the original articles and the purported “abridgments.”

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 15, 2024 in San Francisco, California.

By: /s/ Andrew M. Gass
Andrew M. Gass